United Nations A/C.6/53/L.5

General Assembly

Distr.: Limited
9 November 1998

Original: English

Fifty-third session
Agenda item 149
United Nations Decade of International Law

United Nations Decade of International Law

Discussion paper prepared by the Friends of the Chairperson

Draft principles and guidelines for international negotiations

The General Assembly,

Recalling the purposes and principles of the Charter of the United Nations concerning the maintenance of international peace and security and the promotion of cooperation among States,

Reaffirming the provisions of the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations,

Taking into account the objectives of the United Nations Decade on International Law,

Considering that international negotiations constitute a flexible and effective means for, among other things, the peaceful settlement of disputes among States and for the creation of new international norms of conduct,

[*Bearing in mind* that in their negotiations States should be guided by the relevant principles of international law,] [and mindful of the existence of international instruments as well as principles and rules of international law concerning negotiations among States,]

Bearing in mind also the important role that constructive and effective negotiations can play in attaining the purposes of the Charter of the United Nations by contributing to the management of international relations, the peaceful settlement of disputes and the creation of new international norms of conduct of States,

Conscious of the existence of different means of peaceful settlement of disputes and reaffirming in this context the right of free choice of means,

Noting that the identification of principles and guidelines of relevance to international negotiations could contribute to enhancing the predictability of negotiating parties, reducing

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uncertainty and promoting an atmosphere of trust at negotiations and could offer a frame of reference for negotiations,

1. *Reaffirms* the following principles of international law which are of relevance to international negotiations:

(a) All States enjoy sovereign equality, notwithstanding differences of an economic, social, political or other nature;

(b) States have [the duty not to intervene in matters within the domestic jurisdiction of any State, in accordance with the Charter of the United Nations;]

(c) States have the duty to fulfil in good faith their obligations under international law;

(d) States have the duty to refrain [from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the purposes of the United Nations;]

(e) Any agreement is void if its conclusion has been procured by the threat or use of force in violation of the principles of international law embodied in the Charter of the United Nations;

[(f) States have the duty to cooperate with one another, irrespective of the differences in their political, economic, and social systems, in the various spheres of international relations, in order to maintain international peace and security and to promote international economic stability and progress, the general welfare of nations and international cooperation free from discrimination based on such differences;]

[(g) States shall settle their international disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered;]

2. *Affirms* the importance of conducting negotiations in accordance with international law in a manner compatible with and conducive to the achievement of the stated objective of negotiations and calls upon States to observe the following guidelines in their international negotiations:

(a) Negotiations should be conducted in good faith;

(b) States should take due account of the importance of engaging, in an appropriate manner, in international negotiations the States whose vital interests are directly affected by the matters in question;

(c) The purpose and object of all negotiations must be fully compatible with the principles and norms of international law, including the provisions of the Charter of the United Nations;

(d) States should adhere to the mutually agreed framework for conducting negotiations;

(e) States should endeavour to maintain a constructive atmosphere during negotiations, and to refrain from any conduct which might undermine the negotiations and their progress;

(f) States should facilitate the pursuit or conclusion of negotiations by remaining focused throughout on the main objectives of such negotiations;

(g) States should use their best endeavours to continue to work towards a mutually acceptable and just solution in the event of an impasse in negotiations.

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Reaffirming the provisions of the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations,

Taking into account the objectives of the United Nations Decade on International Law,

Considering that international negotiations constitute a flexible and effective means for, among other things, the peaceful settlement of disputes among States and for the creation of new international norms of conduct,

Bearing in mind that in their negotiations States should be guided by the relevant principles of international law, and mindful of the existence of international instruments as well as principles and rules of international law concerning negotiations among States,

Bearing in mind also the important role that constructive and effective negotiations can play in attaining the purposes of the Charter of the United Nations by contributing to the management of international relations, the peaceful settlement of disputes and the creation of new international norms of conduct of States,

Conscious of the existence of different means of peaceful settlement of disputes and reaffirming in this context the right of free choice of means,

Noting that the identification of principles and guidelines of relevance to international negotiations could contribute to enhancing the predictability of negotiating parties, reducing

* Reissued for technical reasons.

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uncertainty and promoting an atmosphere of trust at negotiations and could offer a frame of reference for negotiations,

1. *Reaffirms* the following principles of international law which are of relevance to international negotiations:

(a) All States enjoy sovereign equality, notwithstanding differences of an economic, social, political or other nature;

(b) States have the duty not to intervene in matters within the domestic jurisdiction of any State, in accordance with the Charter of the United Nations;

(c) States have the duty to fulfil in good faith their obligations under international law;

(d) States have the duty to refrain from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the purposes of the United Nations;

(e) Any agreement is void if its conclusion has been procured by the threat or use of force in violation of the principles of international law embodied in the Charter of the United Nations;

(f) States have the duty to cooperate with one another, irrespective of the differences in their political, economic, and social systems, in the various spheres of international relations, in order to maintain international peace and security and to promote international economic stability and progress, the general welfare of nations and international cooperation free from discrimination based on such differences;

(g) States shall settle their international disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered;

2. *Affirms* the importance of conducting negotiations in accordance with international law in a manner compatible with and conducive to the achievement of the stated objective of negotiations and calls upon States to observe the following guidelines in their international negotiations:

(a) Negotiations should be conducted in good faith;

(b) States should take due account of the importance of engaging, in an appropriate manner, in international negotiations the States whose vital interests are directly affected by the matters in question;

(c) The purpose and object of all negotiations must be fully compatible with the principles and norms of international law, including the provisions of the Charter of the United Nations;

(d) States should adhere to the mutually agreed framework for conducting negotiations;

(e) States should endeavour to maintain a constructive atmosphere during negotiations, and to refrain from any conduct which might undermine the negotiations and their progress;

(f) States should facilitate the pursuit or conclusion of negotiations by remaining focused throughout on the main objectives of such negotiations;

(g) States should use their best endeavours to continue to work towards a mutually acceptable and just solution in the event of an impasse in negotiations.